

## Remarks

### **1. Summary of the Office Action**

In the office action mailed December 11, 2006, the Examiner rejected all of the pending claims 1-13 and 30-32 under 35 U.S.C. § 102(a) as being allegedly anticipated by U.S. Patent No. 6,662,174 (Ukita) or U.S. Patent Application Pub. No. 2002/0147638 (Banerjee). Applicant assumes the Examiner intended to apply 35 U.S.C. § 102(e) rather than 35 U.S.C. § 102(a), and Applicant will respond accordingly. If the Examiner intended to apply 35 U.S.C. § 102(a), Applicant requests clarification, in view of the publication dates of the two references.

### **2. Status of the Claims**

Applicant has amended claim 1 to include the limitations of claim 2, and Applicant has amended claim 2 to recite that the triggering event for sending the at least one advertisement to the subscriber terminal comprises the subscriber terminal being substantially stationary.

Applicant has amended claim 6 to recite that the triggering event for displaying the at least one advertisement on the subscriber terminal is the subscriber terminal being idle and substantially stationary, as had been recited substantially in claim 9, and Applicant has cancelled claim 9. Likewise, Applicant has amended claim 12 to recite that the triggering event for displaying the at least one advertisement on the subscriber terminal is the subscriber terminal being idle and substantially stationary.

For consistency with these amendments, Applicant has also cancelled claims 7, 10, and 13.

Now pending are claims 1-6, 8, 12, and 30-32, of which claims 1, 6, and 12 are independent and the remainder are dependent.

### 3. Response to Rejections

#### a. Claims 1-5 and 30-32

Of these claims, claim 1 is independent. As noted above, Applicant amended claim 1 to include the limitations of previously presented claim 2, namely, to recite that the triggering event for sending the at least one advertisement to the subscriber terminal comprises the subscriber terminal being substantially stationary.

The Examiner rejected claims 1 and 2 on grounds of alleged anticipation over Ukita or Banerjee. However, Applicant submits that the anticipation rejection is erroneous and should be withdrawn, because neither Ukita nor Banerjee discloses all of the limitations of amended claim 1. At a minimum, neither reference discloses the claim feature of "in response to the authorization, sending the at least one advertisement to the subscriber terminal when at least one triggering event occurs, wherein the at least one triggering event is selected from the group consisting of the subscriber terminal being idle and the subscriber terminal being substantially stationary."

At best, Ukita discloses having the subscriber terminal *regenerate and display* received ad content when the subscriber terminal is in a "standby" mode during which the subscriber terminal is waiting for a data request to be fulfilled. However, (a) that disclosure does not relate to triggering the *sending* of the ad content to the subscriber terminal in the first place and therefore does not apply to Applicant's claim 1, and (b) that disclosure does teach that the triggering event for sending of the ad content to the subscriber terminal is the subscriber terminal being *idle* or *substantially stationary*. Indeed, subscriber terminal in Ukita is not idle when it is waiting for a data request to be fulfilled but is rather actively awaiting fulfillment of the request. In any event, the more important distinction is that Ukita fails to disclose triggering the *sending*

of the ad content to the subscriber terminal in the first place and therefore does not apply to Applicant's claim 1. Thus, Ukita does not anticipate claim 1.

Further, Banarjee also fails to anticipate claim 1 for at least the same reason. At best, Banarjee teaches sending to a subscriber terminal some ad content that is selected based on a particular environment event detected by the subscriber terminal. Banarjee does not teach that a triggering event for *sending* of the selected ad content to the subscriber terminal is the such an event, and Banarjee further does not teach that the "event" could be the subscriber terminal itself being *idle* or *substantially stationary*. Thus, Banarjee does not anticipate claim 1.

Because Ukita and Banarjee fail to anticipate claim 1, Applicant submits that claim 1 is allowable. Furthermore, Applicant submits that dependent claims 2-5 and 30-32 are each allowable for at least the reason that they each depend from allowable claim 1.

Still further, Applicant submits that Ukita and Banarjee additionally fail to anticipate amended claim 2, because amended claim 2 recites that the triggering event comprises the subscriber terminal being substantially stationary, and because neither Ukita and Banarjee discloses that triggering event for sending the ad content to the subscriber terminal is the subscriber terminal being substantially stationary. For this additional reason, Applicant submits that claim 2 is allowable.

Yet further, Applicant submits that Ukita and Banarjee additionally fail to anticipate claim 5, because claim 5 recites that the triggering event comprises the subscriber terminal being idle *and* substantially stationary, and because neither Ukita and Banarjee discloses that triggering event for sending the ad content to the subscriber terminal is the subscriber terminal being idle *and* substantially stationary. For this additional reason, Applicant submits that claim 5 is allowable.

**b. Claims 6, 8, and 12**

Of these claims, claims 6 and 12 are independent. As noted above, Applicant amended claim 6 to include largely the limitations of claim 9, namely, to recite that the triggering event for displaying the at least one advertisement on the subscriber terminal is the subscriber terminal being idle and substantially stationary. Further, Applicant amended claim 12 to include the same element.

Applicant submits that amended claims 6 and 12 patentably distinguish over both Ukita and Banerjee, because neither Ukita nor Banerjee discloses all of the limitations of either claim. At a minimum, neither reference discloses the claim feature of "displaying the at least one advertisement on the subscriber terminal in response to the subscriber terminal being idle and substantially stationary."

Because neither Ukita nor Banerjee discloses at least the claim feature of displaying the at least one advertisement on the subscriber terminal in response to the subscriber terminal being idle *and* substantially stationary, neither Ukita nor Banerjee anticipates claim 6 or claim 12. Consequently, Applicant submits that claims 6 and 12 are allowable. Further, Applicant submits that claim 8 is allowable for at least the reason that it depends from allowable claim 6.

**4. Conclusion**

For the foregoing reasons, Applicant submits that all of the pending claims are allowable. Therefore, Applicant respectfully requests favorable reconsideration and allowance. If the Examiner would like to discuss this case with the undersigned, the Examiner is invited to call the undersigned at (312) 913-2141.

**5. Note about Information Disclosure Statement**

Applicant filed an information disclosure statement together with the original filing of this application, citing five references. Applicant has not received an initialed copy of the information disclosure statement. Applicant respectfully requests the Office to mail an initialed copy of the information disclosure statement, to confirm consideration of the art listed on the information disclosure statement, and to complete Applicant's records.

Respectfully submitted,

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